



General Assembly

February Session, 2006

**Amendment**

LCO No. 4700

**\*SB0045504700SRO\***

Offered by:

SEN. DELUCA, 32<sup>nd</sup> Dist.  
SEN. MCKINNEY, 28<sup>th</sup> Dist.  
SEN. CAPPIELLO, 24<sup>th</sup> Dist.  
SEN. COOK, 18<sup>th</sup> Dist.  
SEN. FASANO, 34<sup>th</sup> Dist.  
SEN. FREEDMAN, 26<sup>th</sup> Dist.

SEN. GUGLIELMO, 35<sup>th</sup> Dist.  
SEN. GUNTHER, 21<sup>st</sup> Dist.  
SEN. HERLIHY, 8<sup>th</sup> Dist.  
SEN. KISSEL, 7<sup>th</sup> Dist.  
SEN. NICKERSON, 36<sup>th</sup> Dist.  
SEN. RORABACK, 30<sup>th</sup> Dist.

To: Subst. Senate Bill No. 455

File No. 270

Cal. No. 210

**"AN ACT CONCERNING THE EARLY CHILDHOOD EDUCATION  
WORKFORCE."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective July 1, 2006*) Prior to accepting any person  
4 who applies for enrollment in an early childhood education training  
5 program developed by the Commissioner of Higher Education  
6 pursuant to subsection (a) of section 1 of this act, the public institution  
7 of higher education providing such program shall check the registry of  
8 persons required to register as sexual offenders under chapter 969 of  
9 the general statutes that is maintained by the Department of Public  
10 Safety under section 54-257 of the general statutes. If such institution  
11 determines that such applicant is a registered sexual offender, the

12 institution shall not accept such applicant for enrollment in such  
13 program.

14 Sec. 502. Section 53-21 of the general statutes is repealed and the  
15 following is substituted in lieu thereof (*Effective July 1, 2006*):

16 (a) Any person who (1) wilfully or unlawfully causes or permits any  
17 child under the age of sixteen years to be placed in such a situation  
18 that the life or limb of such child is endangered, the health of such  
19 child is likely to be injured or the morals of such child are likely to be  
20 impaired, or does any act likely to impair the health or morals of any  
21 such child, or (2) has contact with the intimate parts, as defined in  
22 section 53a-65, of a child under the age of sixteen years or subjects a  
23 child under sixteen years of age to contact with the intimate parts of  
24 such person, in a sexual and indecent manner likely to impair the  
25 health or morals of such child, or (3) permanently transfers the legal or  
26 physical custody of a child under the age of sixteen years to another  
27 person for money or other valuable consideration or acquires or  
28 receives the legal or physical custody of a child under the age of  
29 sixteen years from another person upon payment of money or other  
30 valuable consideration to such other person or a third person, except in  
31 connection with an adoption proceeding that complies with the  
32 provisions of chapter 803, shall be guilty of a class C felony for a  
33 violation of subdivision (1) or (3) of this subsection and a class B felony  
34 for a violation of subdivision (2) of this subsection, except that, if the  
35 violation is of subdivision (2) of this subsection and the victim of the  
36 offense is under thirteen years of age, such person shall be guilty of a  
37 class A felony and, for a first offense, be sentenced to a term of  
38 imprisonment of twenty-five years which may not be suspended or  
39 reduced by the court and, for a subsequent offense, be sentenced to a  
40 term of life imprisonment.

41 (b) The act of a parent or agent leaving an infant thirty days or  
42 younger with a designated employee pursuant to section 17a-58 shall  
43 not constitute a violation of this section.

44 Sec. 503. Section 53a-70 of the general statutes is repealed and the  
45 following is substituted in lieu thereof (*Effective July 1, 2006*):

46 (a) A person is guilty of sexual assault in the first degree when such  
47 person (1) compels another person to engage in sexual intercourse by  
48 the use of force against such other person or a third person, or by the  
49 threat of use of force against such other person or against a third  
50 person which reasonably causes such person to fear physical injury to  
51 such person or a third person, or (2) engages in sexual intercourse with  
52 another person and such other person is under thirteen years of age  
53 and the actor is more than two years older than such person, or (3)  
54 commits sexual assault in the second degree as provided in section  
55 53a-71 and in the commission of such offense is aided by two or more  
56 other persons actually present, or (4) engages in sexual intercourse  
57 with another person and such other person is mentally incapacitated to  
58 the extent that such other person is unable to consent to such sexual  
59 intercourse.

60 (b) (1) Except as provided in subdivision (2) of this subsection,  
61 sexual assault in the first degree is a class B felony for which two years  
62 of the sentence imposed may not be suspended or reduced by the  
63 court. [or, if the victim of the offense is under ten years of age, for  
64 which ten years of the sentence imposed may not be suspended or  
65 reduced by the court.]

66 (2) Sexual assault in the first degree is a class A felony if the [offense  
67 is a violation of subdivision (1) of subsection (a) of this section and the  
68 victim of the offense is under sixteen years of age or the offense is a  
69 violation of subdivision (2) of subsection (a) of this section. Any person  
70 found guilty under said subdivision (1) or (2) shall be sentenced to a  
71 term of imprisonment of which ten years of the sentence imposed may  
72 not be suspended or reduced by the court if the victim is under ten  
73 years of age or of which five years of the sentence imposed may not be  
74 suspended or reduced by the court if the victim is under sixteen years  
75 of age] victim of the offense is under sixteen years of age and any  
76 person found guilty of such class A felony shall be sentenced to a term

77 of imprisonment of which five years of the sentence imposed may not  
78 be suspended or reduced by the court, except that, if the victim of the  
79 offense is under thirteen years of age, such person shall, for a first  
80 offense, be sentenced to a term of imprisonment of twenty-five years  
81 which may not be suspended or reduced by the court and, for a  
82 subsequent offense, be sentenced to a term of life imprisonment.

83 (3) [Any] Except as provided in subdivision (2) of this subsection, a  
84 person found guilty under this section shall be sentenced to a term of  
85 imprisonment and a period of special parole pursuant to subsection (b)  
86 of section 53a-28 which together constitute a sentence of at least ten  
87 years.

88 Sec. 504. Section 53a-70a of the general statutes is repealed and the  
89 following is substituted in lieu thereof (*Effective July 1, 2006*):

90 (a) A person is guilty of aggravated sexual assault in the first degree  
91 when such person commits sexual assault in the first degree as  
92 provided in section 53a-70, and in the commission of such offense (1)  
93 such person uses or is armed with and threatens the use of or displays  
94 or represents by such person's words or conduct that such person  
95 possesses a deadly weapon, (2) with intent to disfigure the victim  
96 seriously and permanently, or to destroy, amputate or disable  
97 permanently a member or organ of the victim's body, such person  
98 causes such injury to such victim, (3) under circumstances evincing an  
99 extreme indifference to human life such person recklessly engages in  
100 conduct which creates a risk of death to the victim, and thereby causes  
101 serious physical injury to such victim, or (4) such person is aided by  
102 two or more other persons actually present. No person shall be  
103 convicted of sexual assault in the first degree and aggravated sexual  
104 assault in the first degree upon the same transaction but such person  
105 may be charged and prosecuted for both such offenses upon the same  
106 information.

107 (b) Aggravated sexual assault in the first degree is a class B felony  
108 or, if the victim of the offense is under sixteen years of age, a class A

109 felony. Any person found guilty under this section shall be sentenced  
110 to a term of imprisonment of which five years of the sentence imposed  
111 may not be suspended or reduced by the court, except that, if [such  
112 person committed sexual assault in the first degree by violating  
113 subdivision (1) of subsection (a) of section 53a-70, and] the victim of  
114 the offense is under [sixteen] thirteen years of age, [twenty years of the  
115 sentence imposed] such person shall, for a first offense, be sentenced to  
116 a term of imprisonment of twenty-five years which may not be  
117 suspended or reduced by the court and, for a subsequent offense, be  
118 sentenced to a term of life imprisonment. Any person found guilty  
119 under this section shall also be sentenced to a period of special parole  
120 pursuant to subsection (b) of section 53a-28 of at least five years.

121 Sec. 505. Section 53a-71 of the general statutes is repealed and the  
122 following is substituted in lieu thereof (*Effective July 1, 2006*):

123 (a) A person is guilty of sexual assault in the second degree when  
124 such person engages in sexual intercourse with another person and: (1)  
125 Such other person is thirteen years of age or older but under sixteen  
126 years of age and the actor is more than two years older than such  
127 person; or (2) such other person is mentally defective to the extent that  
128 such other person is unable to consent to such sexual intercourse; or (3)  
129 such other person is physically helpless; or (4) such other person is less  
130 than eighteen years old and the actor is such person's guardian or  
131 otherwise responsible for the general supervision of such person's  
132 welfare; or (5) such other person is in custody of law or detained in a  
133 hospital or other institution and the actor has supervisory or  
134 disciplinary authority over such other person; or (6) the actor is a  
135 psychotherapist and such other person is (A) a patient of the actor and  
136 the sexual intercourse occurs during the psychotherapy session, (B) a  
137 patient or former patient of the actor and such patient or former  
138 patient is emotionally dependent upon the actor, or (C) a patient or  
139 former patient of the actor and the sexual intercourse occurs by means  
140 of therapeutic deception; or (7) the actor accomplishes the sexual  
141 intercourse by means of false representation that the sexual intercourse  
142 is for a bona fide medical purpose by a health care professional; or (8)

143 the actor is a school employee and such other person is a student  
144 enrolled in a school in which the actor works or a school under the  
145 jurisdiction of the local or regional board of education which employs  
146 the actor; or (9) the actor is a coach in an athletic activity or a person  
147 who provides intensive, ongoing instruction and such other person is a  
148 recipient of coaching or instruction from the actor and (A) is a  
149 secondary school student and receives such coaching or instruction in  
150 a secondary school setting, or (B) is under eighteen years of age; or (10)  
151 the actor is twenty years of age or older and stands in a position of  
152 power, authority or supervision over such other person by virtue of  
153 the actor's professional, legal, occupational or volunteer status and  
154 such other person's participation in a program or activity, and such  
155 other person is under eighteen years of age.

156 (b) [Sexual] (1) Except as provided in subdivisions (2) and (3) of this  
157 subsection, sexual assault in the second degree is a class C felony [or,]  
158 and any person found guilty of such class C felony shall be sentenced  
159 to a term of imprisonment of which nine months of the sentence  
160 imposed may not be suspended or reduced by the court.

161 (2) Sexual assault in the second degree is a class B felony if the  
162 victim of the offense is thirteen years of age or older but under sixteen  
163 years of age, [a class B felony,] and any person found guilty [under this  
164 section] of such class B felony shall be sentenced to a term of  
165 imprisonment of which nine months of the sentence imposed may not  
166 be suspended or reduced by the court.

167 (3) Sexual assault in the second degree is a class A felony if the  
168 victim of the offense is under thirteen years of age, and any person  
169 found guilty of such class A felony shall, for a first offense, be  
170 sentenced to a term of imprisonment of twenty-five years which may  
171 not be suspended or reduced by the court and, for a subsequent  
172 offense, be sentenced to a term of life imprisonment.

173 Sec. 506. Section 53a-72a of the general statutes is repealed and the  
174 following is substituted in lieu thereof (*Effective July 1, 2006*):

175 (a) A person is guilty of sexual assault in the third degree when  
176 such person (1) compels another person to submit to sexual contact (A)  
177 by the use of force against such other person or a third person, or (B)  
178 by the threat of use of force against such other person or against a third  
179 person, which reasonably causes such other person to fear physical  
180 injury to himself or herself or a third person, or (2) engages in sexual  
181 intercourse with another person whom the actor knows to be related to  
182 him or her within any of the degrees of kindred specified in section  
183 46b-21.

184 (b) [Sexual] (1) Except as provided in subdivisions (2) and (3) of this  
185 subsection, sexual assault in the third degree is a class D felony. [or,]

186 (2) Sexual assault in the third degree is a class C felony if the victim  
187 of the offense is thirteen years of age or older but under sixteen years  
188 of age. [, a class C felony.]

189 (3) Sexual assault in the third degree is a class A felony if the victim  
190 of the offense is under thirteen years of age and any person found  
191 guilty of such class A felony shall, for a first offense, be sentenced to a  
192 term of imprisonment of twenty-five years which may not be  
193 suspended or reduced by the court and, for a subsequent offense, be  
194 sentenced to a term of life imprisonment.

195 Sec. 507. Section 53a-86 of the general statutes is repealed and the  
196 following is substituted in lieu thereof (*Effective July 1, 2006*):

197 (a) A person is guilty of promoting prostitution in the first degree  
198 when [he] such person knowingly: (1) Advances prostitution by  
199 compelling a person by force or intimidation to engage in prostitution,  
200 or profits from coercive conduct by another; or (2) advances or profits  
201 from prostitution of a person less than sixteen years old.

202 (b) [Promoting] (1) Except as provided in subdivision (2) of this  
203 subsection, promoting prostitution in the first degree is a class B  
204 felony.

205       (2) Promoting prostitution in the first degree is a class A felony if  
206       the victim of the offense is under thirteen years of age and any person  
207       found guilty of such class A felony shall, for a first offense, be  
208       sentenced to a term of imprisonment of twenty-five years which may  
209       not be suspended or reduced by the court and, for a subsequent  
210       offense, be sentenced to a term of life imprisonment.

211       Sec. 508. Section 53a-87 of the general statutes is repealed and the  
212       following is substituted in lieu thereof (*Effective July 1, 2006*):

213       (a) A person is guilty of promoting prostitution in the second degree  
214       when [he] such person knowingly: (1) Advances or profits from  
215       prostitution by managing, supervising, controlling or owning, either  
216       alone or in association with others, a house of prostitution or a  
217       prostitution business or enterprise involving prostitution activity by  
218       two or more prostitutes; or (2) advances or profits from prostitution of  
219       a person less than eighteen years old.

220       (b) [Promoting] (1) Except as provided in subdivision (2) of this  
221       subsection, promoting prostitution in the second degree is a class C  
222       felony.

223       (2) Promoting prostitution in the second degree is a class A felony if  
224       the victim of the offense is under thirteen years of age and any person  
225       found guilty of such class A felony shall, for a first offense, be  
226       sentenced to a term of imprisonment of twenty-five years which may  
227       not be suspended or reduced by the court and, for a subsequent  
228       offense, be sentenced to a term of life imprisonment.

229       Sec. 509. Section 53a-90a of the general statutes is repealed and the  
230       following is substituted in lieu thereof (*Effective July 1, 2006*):

231       (a) A person is guilty of enticing a minor when such person uses an  
232       interactive computer service to knowingly persuade, induce, entice or  
233       coerce any person under sixteen years of age to engage in prostitution  
234       or sexual activity for which the actor may be charged with a criminal  
235       offense. For purposes of this section, "interactive computer service"



236 means any information service, system or access software provider  
237 that provides or enables computer access by multiple users to a  
238 computer server, including specifically a service or system that  
239 provides access to the Internet and such systems operated or services  
240 offered by libraries or educational institutions.

241 (b) [Enticing] (1) Except as provided in subdivision (2) of this  
242 subsection, enticing a minor is a class D felony for a first offense, a  
243 class C felony for a second offense and a class B felony for any  
244 subsequent offense.

245 (2) Enticing a minor is a class A felony if the victim of the offense is  
246 under thirteen years of age and any person found guilty of such class  
247 A felony shall, for a first offense, be sentenced to a term of  
248 imprisonment of twenty-five years which may not be suspended or  
249 reduced by the court and, for a subsequent offense, be sentenced to a  
250 term of life imprisonment.

251 Sec. 510. Section 53a-196 of the general statutes is repealed and the  
252 following is substituted in lieu thereof (*Effective July 1, 2006*):

253 (a) A person is guilty of obscenity as to minors when [he] such  
254 person knowingly promotes to a minor, for monetary consideration,  
255 any material or performance which is obscene as to minors.

256 (b) For purposes of this section, "knowingly" means having general  
257 knowledge of or reason to know or a belief or ground for belief which  
258 warrants further inspection or inquiry as to (1) the character and  
259 content of any material or performance which is reasonably susceptible  
260 of examination by such person, and (2) the age of the minor.

261 (c) In any prosecution for obscenity as to minors, it shall be an  
262 affirmative defense that the defendant made (1) a reasonable mistake  
263 as to age, and (2) a reasonable bona fide attempt to ascertain the true  
264 age of such minor, by examining a draft card, driver's license, birth  
265 certificate or other official or apparently official document, exhibited  
266 by such minor, purporting to establish that such minor was seventeen

267 years of age or older.

268 (d) [Obscenity] (1) Except as provided in subdivision (2) of this  
269 subsection, obscenity as to minors is a class D felony.

270 (2) Obscenity as to minors is a class A felony if the victim of the  
271 offense is under thirteen years of age and any person found guilty of  
272 such class A felony shall, for a first offense, be sentenced to a term of  
273 imprisonment of twenty-five years which may not be suspended or  
274 reduced by the court and, for a subsequent offense, be sentenced to a  
275 term of life imprisonment.

276 Sec. 511. Section 53a-196a of the general statutes is repealed and the  
277 following is substituted in lieu thereof (*Effective July 1, 2006*):

278 (a) A person is guilty of employing a minor in an obscene  
279 performance when [(1) he] such person (1) employs any minor,  
280 whether or not such minor receives any consideration, for the purpose  
281 of promoting any material or performance which is obscene as to  
282 minors, notwithstanding that such material or performance is intended  
283 for an adult audience, or (2) [he] permits any such minor to be  
284 employed, whether or not such minor receives any consideration, in  
285 the promotion of any material or performance which is obscene as to  
286 minors, notwithstanding that such material or performance is intended  
287 for an adult audience, and [he] such person is the parent or guardian  
288 of such minor or otherwise responsible for the general supervision of  
289 such minor's welfare.

290 (b) Employing a minor in an obscene performance is a class A felony  
291 and any person found guilty under this section shall, for a first offense,  
292 be sentenced to a term of imprisonment of twenty-five years which  
293 may not be suspended or reduced by the court and, for a subsequent  
294 offense, be sentenced to a term of life imprisonment.

295 Sec. 512. Section 53a-196b of the general statutes is repealed and the  
296 following is substituted in lieu thereof (*Effective July 1, 2006*):

297 (a) A person is guilty of promoting a minor in an obscene  
298 performance when [he] such person knowingly promotes any material  
299 or performance in which a minor is employed, whether or not such  
300 minor receives any consideration, and such material or performance is  
301 obscene as to minors notwithstanding that such material or  
302 performance is intended for an adult audience.

303 (b) For purposes of this section, "knowingly" means having general  
304 knowledge of or reason to know or a belief or ground for belief which  
305 warrants further inspection or inquiry as to (1) the character and  
306 content of any material or performance which is reasonably susceptible  
307 of examination by such person, and (2) the age of the minor employed.

308 (c) [Promoting] (1) Except as provided in subdivision (2) of this  
309 subsection, promoting a minor in an obscene performance is a class B  
310 felony.

311 (2) Promoting a minor in an obscene performance is a class A felony  
312 if the victim of the offense is under thirteen years of age and any  
313 person found guilty of such class A felony shall, for a first offense, be  
314 sentenced to a term of imprisonment of twenty-five years which may  
315 not be suspended or reduced by the court and, for a subsequent  
316 offense, be sentenced to a term of life imprisonment.

317 Sec. 513. Section 53a-35a of the general statutes is repealed and the  
318 following is substituted in lieu thereof (*Effective July 1, 2006*):

319 For any felony committed on or after July 1, 1981, the sentence of  
320 imprisonment shall be a definite sentence and the term shall be fixed  
321 by the court as follows: (1) For a capital felony, a term of life  
322 imprisonment without the possibility of release unless a sentence of  
323 death is imposed in accordance with section 53a-46a; (2) for the class A  
324 felony of murder or for a class A felony as provided in section 53-21,  
325 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-86, 53a-87, 53a-90a, 53a-196, 53a-  
326 196a or 53a-196b, as amended by this act, where the victim of the  
327 offense was under thirteen years of age, a term not less than twenty-  
328 five years nor more than life; (3) for a class A felony other than

329 [murder] an offense specified in subdivision (2) of this section, a term  
330 not less than ten years nor more than twenty-five years; (4) for the class  
331 B felony of manslaughter in the first degree with a firearm under  
332 section 53a-55a, a term not less than five years nor more than forty  
333 years; (5) for a class B felony other than manslaughter in the first  
334 degree with a firearm under section 53a-55a, a term not less than one  
335 year nor more than twenty years, except that for a conviction under  
336 section 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-  
337 134(a)(2), the term shall be not less than five years nor more than  
338 twenty years; (6) for a class C felony, a term not less than one year nor  
339 more than ten years, except that for a conviction under section 53a-56a,  
340 the term shall be not less than three years nor more than ten years; (7)  
341 for a class D felony, a term not less than one year nor more than five  
342 years, except that for a conviction under section 53a-60b or 53a-217, as  
343 amended, the term shall be not less than two years nor more than five  
344 years, for a conviction under section 53a-60c, the term shall be not less  
345 than three years nor more than five years, and for a conviction under  
346 section 53a-216, the term shall be five years; (8) for an unclassified  
347 felony, a term in accordance with the sentence specified in the section  
348 of the general statutes that defines the crime.

349 Sec. 514. (NEW) (*Effective July 1, 2006*) Any person who is released  
350 on parole or special parole after being convicted of a violation of  
351 subdivision (2) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-  
352 72a, 53a-86, 53a-87, 53a-90a, 53a-196, 53a-196a or 53a-196b of the  
353 general statutes, as amended by this act, where the victim of the  
354 offense was under thirteen years of age, shall, as a condition of such  
355 parole or special parole, be subject to electronic monitoring that shall  
356 include the use of a global positioning system for the duration of such  
357 person's period of parole or special parole."